

LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0  
1132 Bishop Street, Suite 1405  
Honolulu, Hawaii 96813  
Tel. No. (808) 528-0100  
Fax No. (808) 528-4997  
E-mail: [tjh@loio.com](mailto:tjh@loio.com)

Attorney for Plaintiff  
WAYNE BERRY

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 03 2006  
at 9 o'clock and 15 min. M  
SUE BEITIA, CLERK

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	<b>NOTICE OF MOTION;</b>
vs.	)	<b>PLAINTIFF WAYNE BERRY'S</b>
	)	<b>MOTION IN LIMINE TO</b>
HAWAIIAN EXPRESS SERVICE,	)	<b>EXCLUDE EXPERT TESTIMONY</b>
INC., a California corporation; et al.	)	<b>OF JEFFREY KINRICH</b>
	)	<b>REGARDING MATTERS NOT</b>
	)	<b>CONTAINED IN HIS EXPERT</b>
	)	<b>REPORT; DECLARATION OF</b>
	)	<b>TIMOTHY J. HOGAN; EXHIBIT</b>
Defendants.	)	<b>"A"; CERTIFICATE OF SERVICE</b>
	)	
	)	Hearing:
	)	DATE: January 20, 2006
	)	TIME: 2:00 p.m.
	)	JUDGE: Hon. Susan Oki Mollway
	)	
	)	Trial Date: January 24, 2006
	)	

**NOTICE OF HEARING**

TO: LEX R. SMITH, ESQ.  
ANNE E. LOPEZ, ESQ.  
Kobayashi Sugita & Goda  
First Hawaiian Center  
999 Bishop Street, Suite 2600  
Honolulu, Hawaii 96813  
Attorneys for Defendant  
Fleming Companies, Inc.  
C&S Wholesale Grocers, Inc.,  
C&S Logistics of Hawaii, LLC,  
C&S Acquisitions, LLC, ES3, LLC  
and RICHARD COHEN

ERIC C. LIEBELER, ESQ.  
DAMIAN CAPOZZOLA, ESQ.  
MELISSA M. DULAC, ESQ.  
R. OLIVIA SAMAD, ESQ.  
Kirkland & Ellis  
777 South Figueroa Street  
Los Angeles, CA 90017  
Attorneys for Defendant Fleming Companies, Inc.

SHELDON S. TOLL, ESQ.  
2000 Town Center, Suite 2550  
Southfield, MI 48075  
Attorney for Defendant  
ALIX PARTNERS, LLC

LYLE HOSODA, ESQ.  
345 Queen Street, Suite 804  
Honolulu, Hawaii 96813  
Attorney for Defendants Mark Dillon,  
Brian Christensen and Teresa Noa  
Melvin Ponce, Alfreda Waiolama,  
Jacqueline Rio, and Justin Fukumoto

REX FUJICHAKU, ESQ.  
Bronster Crabtree & Hoshibata  
1001 Bishop Street, Suite 2300  
Pauahi Tower  
Honolulu, Hawaii 96813  
Attorneys for Defendants  
GUIDANCE SOFTWARE, LLC  
and MICHAEL GURZI


WESLEY H. H. CHING, ESQ.  
Fukunaga, Matayoshi, Hershey & Ching, LLC  
1200 Davies Pacific Center  
841 Bishop Street  
Honolulu, Hawaii 96813  
Attorney for Defendant  
Hawaii Transfer Company, Limited

JOHN T. KOMEIJI, ESQ.  
GREGORY Y.P. TOM, ESQ.  
KAREN Y. ARIKAWA, ESQ.  
First Hawaiian Center  
999 Bishop Street, 23<sup>rd</sup> Floor  
Honolulu, Hawaii 96813  
Attorneys for Defendant  
ALIX PARTNERS, LLC

NOTICE IS HEREBY GIVEN that Plaintiff Motion In Limine to Exclude  
Expert Testimony of Jeffrey Kinrich Regarding Matters Not Contained in His  
Expert Report shall come on for hearing before the Honorable Susan Oki  
Mollway, United States District Judge of the above-entitled Court, in her  
courtroom in the United States District Court, 300 Ala Moana Boulevard,

Honolulu, Hawaii 96813 on January 20, 2006 at 2:00 p.m., or as soon thereafter as counsel can be heard.

Dated: Honolulu, Hawaii, JAN 3 2006.

  
TIMOTHY J. HOGAN  
Attorney for Plaintiff  
WAYNE BERRY